

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

Benjamin Reetz, individually and as the  
representative of a class of similarly situated  
persons, and on behalf of the Lowe's 401(k) Plan,

Plaintiff,

v.

Lowe's Companies, Inc., Administrative  
Committee of Lowe's Companies, Inc., and Aon  
Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 5:18-cv-00075-KDB-DCK

**JOINT NOTICE REGARDING ABSENCE OF OBJECTIONS TO ORDER  
PRELIMINARILY GRANTING CLASS CERTIFICATION**

Pursuant to this Court's Order Preliminarily Granting Class Certification (Doc. 97), the Parties hereby submit the following Joint Notice Regarding Absence of Objections to the Court's Order Preliminarily Granting Class Certification.

1. The Parties previously stipulated and agreed to class certification in this action.  
*See Doc. 94.*

2. On November 5, 2020, the Court entered an order preliminarily certifying the following class:

All participants and beneficiaries of the Lowe's 401(k) Plan whose Plan account balances were invested in the Hewitt Growth Fund at any time on or after October 1, 2015, through the date of judgment, excluding Defendants, any of their directors, and any officers or employees of Defendants with responsibility for the Plan's investment or administrative functions.

*Doc. 97 at 4–5.* The Court also preliminarily appointed Nichols Kaster, PLLP and Tharrington Smith LLP as Class Counsel. *Id. at 5.*

2. In its order preliminarily certifying the class, the Court ordered the Parties to submit a proposed class notice that included at least a 30-day period for the preliminarily certified class members to object to the certification. *Id.*

3. On November 13, 2020, the Parties filed a Joint Motion for Approval of Class Notice, with a proposed Class Notice attached. *See Docs. 102, 102-1.*

4. On November 17, 2020, the Court entered an order granting the Parties' Joint Motion and instructing the Parties to provide the Class Notice, as amended, to the preliminarily certified class in the manner and on the terms described in the motion and the notice. *ECF No. 105.* The Parties were further ordered to "inform the Court within 14 days after the objection deadline whether no objections were received (in which case the preliminary class certification order shall automatically become final), or respond to any such objections (in which case the Court will rule on the objections)." *Doc. 97 at 5.*

5. On December 11, 2020, in accordance with the motion and the notice, the Class Notice was distributed via U.S. mail. Consistent with the form of notice approved by the Court, the Class Notice informed members of the preliminarily certified class of their legal rights and options, and instructed class members that any objection to class certification must be postmarked by January 12, 2021 for it to be considered by the Court.

6. The deadline for objections has passed, and no objections to class certification have been received by any of the Parties. *See Doc. 97 at 5.* Accordingly, the Parties agree that the conditions for finalizing certification of the stipulated class have been met. *See id.*

Dated: January 25, 2021

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